

REMARKS

The above amendment is submitted in compliance with 37 CFR 1.78(a)(5)(1) for claiming benefit of a prior-filed provisional application. The subject application is a National Stage application of International Application No. PCT/US2004/024034, filed 26 July 2004, which claims the benefit under 35 U.S.C. 119(e) of U.S. Provisional Application No. 60/491,442, filed 30 July 2003.

Claims 1-30 were pending in the application. In the instant Preliminary Amendment, Claims 12, 14, 16, 18, and 24 have been canceled without prejudice. Applicants reserve the right to prosecute the subject matter of the canceled claims in one or more continuation, continuation-in-part, or divisional applications.

Claims 1, 13, 20, 21 and 22 have been amended to more clearly claim the invention disclosed in the specification. In particular, claim 1 has been amended to clarify that a homolog of a YMR325W promoter is a sequence "comprising one or more nucleotide substitutions, additions or deletions that do not effect the ability of the sequence to promote transcription of said operatively linked sequence." Claims 13 and 21 have similarly been amended to clarify that a homolog of a YMR325W promoter is a sequence "comprising one or more nucleotide substitutions, additions or deletions that do not effect the ability of the sequence to promote transcription of said target polynucleotide sequence." Claims 22 has similarly been amended to clarify that a homolog of a promoter comprising SEQ ID NO: 3 is a sequence "comprising one or more nucleotide substitutions, additions or deletions that do not effect the ability of the sequence to promote transcription of said operatively linked sequence." Support for these amendments is found in the specification on page 11, lines 1-3.

Claim 20 has been amended to delete dependency to cancelled claims 12, 14, 16, and 18.

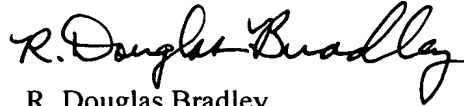
By this amendment, Applicants have amended the specification at page 1, following the title of the invention, to include a "Cross Reference to Related Applications" section indicating that this application is the National Stage of International Application No. PCT/US2004/024034, filed 26 July 2004, which claims the benefit under 35 U.S.C. 119(e) of U.S. Provisional Application No. 60/491,442, filed 30 July 2003.

Applicants submit that no new matter has been added by the above amendments to the claims and specification.

CONCLUSION

Applicants respectfully request entry of the foregoing amendments and remarks into the file of the above-identified application. No fee is believed due. However, if required, please charge the fee to Rosetta Inpharmatics, Account No. 502287.

Respectfully submitted,



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